

APPROVED 6-19-08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, May 15, 2008 at the Mildred A. Wakeley Recreation and Community Center, in Room #2, at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Donald Clark, Vice Chairman
Theresa Ranciato-Viele, Secretary
Joseph Cappucci
Caren M. Genovese
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate
Cheryl Juniewicz, Alternate

MEMBERS ABSENT: None

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:32 PM and stated that application #08-30, 117 Washington Avenue and #P08-31, 441 State Street are postponed. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. A simple majority of three (3) to two (2) will not approve an application for an appeal or variance.

Mrs. Ranciato-Viele read the call for the first agenda item.

1. #08-32 Application of Elaine Varunes, Owner and Applicant, relative to 43 Butler Road, (Map 80, Lot 55), per Section 2.1.1.9, requesting a variance of 8' to permit a front yard setback of 17' where 25' is required.
R-12 Zoning District.

Ms. Elaine Varunes, owner of 43 Butler Road, presented the application for a 20'x8' front porch addition. The applicant is requesting a variance of 8' to permit a front yard set back of 17' where 25' is required.

Mr. Hannon asked for public comment; being none, the matter was closed.

Mrs. Ranciato-Viele read the call for the second agenda item.

2. #08-33 Application of B.A.M. Properties, LLC, Owner and Applicant, relative to 70 Old Broadway West, (Map 66, Lot 15), per Section 5.1.2, requesting a variance of 67' to permit a front yard setback of 8' where 75' is required, and requesting a variance of 27', to permit a rear yard setback of 13' where 40' is required, and per Section 8.5.2.7, requesting a variance of 3% to permit 78% impervious area in a front yard where a maximum of 75% is permitted. IL-30 Zoning District.

Mr. Bill Mezzano presented the application to demolish the existing building, which is non-conforming, and build a new building to house his construction business and four tenants. The Commission wants to make sure that the clean-up of this site is monitored.

Mr. Hannon asked for public comment.

Public comment:

1. Mr. Louis Giangola has environmental concerns with the demolition of this building. He wants to make sure that proper procedure is being followed.
2. Pat Nuzzolillo, 7 Mansfield Road, is in favor of this application, but has some environmental concerns with the clean-up and demolition of this building.

Mr. Fredricksen said a final report will have to be submitted when clean-up is completed and it will be monitored by the Building Department.

Mrs. Ranciato-Viele read the call for the third agenda item.

3. #08-34 Application of Stephen G. and Shirley Y. Rapuano, Owners and Applicants, relative to 107 Ezra Street, (Map 61, Lot 19), per Section 2.1.1.9, requesting a variance of 11' to permit a front yard setback of 39' where 50' is required, and requesting a variance of 5', to permit a side yard setback of 5' where 10' is required. R-20 Zoning District.

Mr. Stephen Rapuano, owner, and Mr. Daniel Lyon, Architect, presented the application for a 6' wide front porch and a 24'x 24' two-story, two car garage that juts out 10' from the existing house. An addition to extend the front bedrooms is also being proposed.

Mr. Hannon asked for public comment.

Public comment:

1. Jason & Joy Heintz, 104 Ezra Street, spoke in favor of the application.

Being no further public comment, the public hearing was closed.

Mrs. Ranciato-Viele read the call for the fourth agenda item.

4. #08-35 Application of Edible Arrangements International, Inc., Applicant, SKF North Haven LLC, Owner, relative to 101 Washington Avenue, (Map 73, Lot 7), per Section 8.8.7.2(3), requesting a sign area variance of 26 square feet to permit a 40 square foot sign where 14 square feet is permitted, and a sign front setback variance of 16' to permit 9' where 25' is required and a 10' side yard variance to permit 2' where 12' is required. CA-20 Zoning District.

Mr. Jeff Alexander with Edible Arrangements presented the application to increase their 16 square foot sign to 8' x 5' for more visibility from Washington Avenue. The sign will be back lit only. The Commission asked questions and Mr. Alexander responded.

Mr. Hannon asked for public comment; being none, the matter was closed.

Mrs. Ranciato-Viele read the call for the fifth agenda item.

5. #08-36 Application of Bill and Cristina Ryan, Applicants and Owners, relative to 60 Meadowbrook Road, (Map 25, Lot 42), per Section 2.1.1.9, requesting a 8' aggregate side yard variance to permit 17' where 25' is required, and a 4.5' side yard variance to permit 5.5' where 10' is required, and a 5' rear yard variance to permit 20' where 25' is required. R-12 Zoning District.

Attorney Mike Millazzo, Mr. Charles Jones, architect, and Bill and Cristina Ryan, owner, presented the application for an addition to the back right corner of the property. The old garage will be converted into a handicapped accessible room. The front of the house will remain unchanged. A new two car garage is being proposed along with a two-story addition. A stairwell will be added in rear for access to the second floor addition. A slab foundation will be used.

Mrs. Ranciato-Viele asked about the hardship. The applicants stated that they want to preserve the integrity of the house and felt this proposal was the best option. Mrs. Ranciato-Viele and Mr. Hannon would like to see the garage set back further to reduce the variance being requested. Mrs. Ranciato-Viele read into the record a letter from their neighbor, Verlie Kidney, who is in opposition to the side yard variance. She is an abutter on the north side and feels the addition will threaten the well being of her trees.

Mr. Fredricksen suggested to rotate the staircase 90°, on the north side of the addition to increase the side yard by 3'. The rotation reduces the impact on the neighbors to the north.

Mr. Hannon asked for public comment.

Public comment:

1. Jim Kidney, 93 Ridgewood Avenue, spoke in opposition of the application. He is concerned about the trees that abut the applicant's property and feels that there is room elsewhere on the property to build.

Being no further public comment, the public hearing was closed.

BREAK: 9:07 – 9:14 PM

DELIBERATION SESSION:

1. #08-32 Application of Elaine Varunes, Owner and Applicant, relative to 43 Butler Road.

Mr. Clark moved to approve the application; Mr. Cappucci seconded the motion.
The Board voted as follows:

Mr. Clark amended the motion to limit the variance to the 8'x20' wide non-covered porch; Mr. Cappucci seconded the motion. The Commission voted as follows:

Hannon – aye Ranciato–Viele – aye Clark - aye Cappucci – aye Genovese -aye

In approving the application, the Board stated the following:

1. The variance is limited to this proposed 20' wide uncovered porch only.
2. The request is reasonable and in conformance with the neighborhood.

2. #08-33 Application of B.A.M. Properties, LLC, Owner and Applicant, relative to 70 Old Broadway West.

Mrs. Genovese moved to approve the application; Mr. Clark seconded the motion.
The Board voted as follows:

Hannon – aye Ranciato–Viele – aye Clark – aye Cappucci- aye Genovese - aye

In approving the application, the Board stated the following:

1. The existing billboard is to be removed.
2. The hardship is the configuration of the train tracks and roads that abut the property.
3. The property will be brought closer to zoning conformance.

The Commission requested to forward environmental concerns to the Planning & Zoning Commission and have the Building Department monitor the demolition process.

3. #08-34 Application of Stephen G. and Shirley Y. Rapuano, Owners and Applicants, relative to 107 Ezra Street.

Mrs. Ranciato-Viele moved to approve the application; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato–Viele – aye Cappucci – aye Clark – aye Genovese – aye

In approving the application, the Board stated the following:

1. The variance is limited to the work of this proposed addition only.
2. The addition is modest and conforms to the neighborhood.
3. The neighbors are in favor of this application.

4. #08-35 Application of Edible Arrangements International, Inc., Applicant, SKF North Haven LLC, Owner, relative to 101 Washington Avenue.

Mrs. Ranciato-Viele moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – nay Ranciato–Viele – nay Cappucci – nay Clark – aye Genovese – aye

In denying the application, the Board stated the following:

1. The sign is excessive in size.
 2. No alternatives were provided by the applicant.
5. #08-36 Application of Bill and Cristina Ryan, Applicants and Owners, relative to 60 Meadowbrook Road.

Mr. Cappucci moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Ranciato–Viele – nay Cappucci – aye Clark – aye Genovese – aye

In approving the application, the Board stated the following:

1. The variance is contingent upon the 90° rotation of the proposed stair on the north side of the proposed addition. This rotation reduces the impact on the neighbors to the north.
2. The house, built in 1927, predates Zoning Regulations.
3. The configuration of the lot is the hardship.

CEASE AND DESIST ORDERS: None

CORRESPONDENCE: None

MINUTES:

April 17, 2008

Mr. Clark moved to approve the minutes of April 17, 2008; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Clark - aye Ranciato-Viele – aye Cappucci – aye Juniewicz – aye

OTHER:

125 Pool Road

Mr. Hannon questioned Mr. Fredricksen regarding the variance for 125 Pool Road. Mr. Fredricksen explained that the addition was moved to the rear of the property, therefore, the addition is now within the proper setbacks so a variance is not needed.

Re-election of Vice Chairman

Mr. Clark stated that because of his demanding job, the position of Vice Chairman is not suitable for him, at this time, and he wishes to resign from this position.

Mr. Cappucci moved to accept Mr. Clark's resignation from Vice Chairman; Mrs. Ranciato-Viele seconded the motion. All were in favor.

Mr. Cappucci moved to appoint Mrs. Ranciato-Viele to the position of Vice President; Mrs. Genovese seconded the motion. All were in favor.

Mrs. Genovese moved to appoint Mr. Clark to the position of Secretary; Mr. Cappucci seconded the motion. All were in favor.

ADJOURN:

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:47 PM.